



Singer, J. (1999). Striking in unexpected places. *Workplace*, 3, 40-46.

Striking in Unexpected Places

Jonathan Singer

"Okay, you're striking for recognition... But what do you want?"

That question, despite (or because of) its self-contradiction, stands out in my memory as typical of the general disbelief or incomprehension regarding the system-wide strike of the Teaching Assistants, Teaching Associates, Readers, and Tutors who compose the eight unions of Academic Student Employees at the University of California. It was a question posed to me alternately by reporters and by the students who attended my undergraduate poetry class. I attempted to provide a satisfactory answer when it was asked by parents, by the counter-personnel at the local coffee-shop, by my own departmental colleagues, or by those whose support I attempted to enlist during door-to-door canvassing.

I'm not sure that I ever managed to answer it satisfactorily, because the structure of the question itself implies a hidden motive or agenda. It suggests, more specifically, that union recognition is an inadequate reason to engage in a strike action--that the pursuit of a determinate measure of control over the conditions of our labor was, in itself, insufficient reason to justify withholding that labor. And, given that I fielded that question from my (all-too-limited) vantage-point in Southern California, it also signified a certain regional cynicism--a belief that no sacrifice is undertaken or worth undertaking, except for eventual monetary gain.

Yet, given the scarcity of visible labor demonstrations in Southern California, the confusion surrounding a strike for union recognition is perhaps understandable. After all, the University of California, Irvine (also known as UCI), might be one of the last places you would expect to find the formation of a grass-roots labor movement. Any number of factors impede activism here: The campus is located in Orange County, California--widely considered to represent the most politically-conservative county in the United States; its student-body (both graduate and undergraduate) is typified by political and social apathy. Even the decentralized physical structure of the campus itself dissuades social gathering; allegedly designed during Reagan's term as governor to dissuade Berkeley-style rioting, the circular campus features no obvious or prominent spaces for gatherings or demonstrations. The sense of helplessness inspired by the campus mirrors Orange County's own surreal atmosphere--the effect of freeways, strip malls and Irvine's proximity to Disneyland.

This side of the Happiest Place on Earth (and UCI might well choose to adopt the title, with its recent successes in garnering Nobel laureates, national rankings, and corporate research endowments) represents an unlikely site for labor activism. Nevertheless, that disparity may paradoxically parallel the *equally* unlikely fact that the unionization movement has been adopted by Academic Student Employees--a job category which consists primarily of graduate students, who have only recently begun to think of their labor *as* labor, and who have traditionally been content to embrace a lifestyle in which deprivation is embraced as a means of 'paying one's dues' during an apprenticeship stage, on the path towards professorship. Academic Student Employees at UCI are an unlikely source of strikers (a fact that was made clear as we debated the semiotics of picket-line attire on my departmental mailing list), but the participation of the one year-old [Student Workers Union/UAW](#) in the system-wide UC strike attests to the

growing force of the union movement among the academic workforce.

The system-wide strike which was suspended after four days in December (and remains in suspension) is noteworthy not merely for its size (the eight campus unions represent 9,000 student employees), but also for the manner in which it included student employees from an array of disciplines, backgrounds, and working conditions. The viability of unionization across the different campuses of the University of California speaks of a future in which graduate student employees across the continent recognize that their strength as students, as employees, and as future faculty-members depends upon collective representation and collective action.

Laying the Foundations for a Movement

The system-wide strike--and the discussion between unions and administration that took place afterward--represents the latest success in the fifteen-year [history of Academic Student Employee Organizing at UC](#). Beginning with the formation of the [Association for Graduate Student Employees/UAW](#) at UC Berkeley in 1983, the movement expanded throughout the UC system as individual unions affiliated under UAW obtained membership cards from a majority of ASEs in UC Santa Cruz (1990), UC San Diego (1992), [UC Davis](#) (1993), UCLA (1994), [UC Santa Barbara](#) (1994), UC Riverside (1997), and, lastly, [UC Irvine](#) (1998). Although the Public Employment Relations Board of California (PERB) confirmed that each of these unions represented a majority of the ASEs on their respective campuses, the University of California chose not to recognize the unions voluntarily, opting instead to challenge the legitimacy of student employee unions in the courts.

The struggle for union recognition has therefore been conducted in two settings: On the campuses, unionized students have engaged in informational picketing, membership outreach, legislative petitioning, and work stoppages. Simultaneously, in the courts, UAW lawyers representing the campus unions have confronted UC's own legal representatives over the issue of California employment legislation, and its applicability to student employees. Since the campus unions were at different stages of development, there were different responses to the prospect of a two-week strike, which would withdraw our labor during exam week--the time when it would impact the university most significantly.

To the campus unions which had seen first-hand that the short, campus-specific strikes conducted in 1989, 1992, 1995, 1996, and 1997 had been unsuccessful in obtaining recognition, only the joint efforts of the system-wide unions would suffice to compel the UC administration to negotiate union recognition. Although some of the newer unions were apprehensive of the idea of striking, they were ultimately convinced that--since recognition had not been granted as a result of PERB confirmation, student petitioning, or legislative pressure--the system-wide strike was not premature, and that all other avenues had been exhausted, in our pursuit of voluntary recognition. In a strike authorization vote conducted in the Spring of 1998, the campuses voted separately to authorize a strike, with 87% of the total ballots cast supporting authorization. Although it was obvious during the summer break that the campus unions were ready, willing, and legally able to initiate a work stoppage in the next fall, the UC administration chose to deny recognition over the summer of 1998, thus prompting the December strike.

That strike lasted four days, before the [UC Office of the President \(UCOP\)](#) negotiated a "cooling-off period" with the unions, during which the strike was suspended. After that 15-day period, UCOP representatives sat down with those of UAW and the eight campus unions, for the purpose of discussing the reasons leading up to the strike (read: "But what do you *want*?"). Four sessions of talks took place over the following 45-day period, during the University's Winter Break. However, UCOP's subsequent offer to the unions failed to include recognition for Teaching Assistants or Teaching Associates, and it was therefore unanimously rejected by each campus union. At time of printing, no campus union has received recognition, and the strike remains in suspension.

Are State Schools Exempt from State Courts?

Although the Chancellors of each campus have been invited by PERB to voluntarily recognize their ASE unions, the issue of graduate students' *right* to unionize remains debated. More specifically, the question of whether Teaching Assistants and -Associates are considered employees under California's [Higher Education Employer-Employee Relations Act \(HEERA\)](#) has been the subject of recent court decisions. Although UCOP grants that the job categories of Reader and Tutor are, in fact, employment (since the labor performed has no relationship to a student's academic curriculum), they maintain that graduate Teaching Assistants and -Associates (also known as "Associates-in-" or AIs) or are not employees, since their labor is a necessary element of their study. The administration's mantra that Teaching Assistants are "students first, employees second" rests upon the premise that our role (and enrollment) as students necessarily precludes any protection under state employment legislation.

As a legal basis for this decision, UC administrators make frequent reference to a 1992 State Appellate ruling, which upheld the 1989 PERB decision that Teaching Assistants at UC Berkeley were *not* considered employees under HEERA. This decision was the result of the court's opinion that a) TA labor is undertaken as a part of a student's educational objectives, and b) graduate student labor is not essential to the mission of the university. Such are the legal pretenses upon which UCOP denied union recognition, and which were reported uncritically by media during the strike.

Such a conclusion, however, is based upon a willful ignorance of the past seven years of PERB decisions--an omission which one might consider disturbing from a University that prides itself upon the quality of its research. Specifically, it ignores the 1995 PERB ruling ([upheld in a 1998 appeal](#)), which stated that Readers, Tutors, and Teaching Associates at UC San Diego are eligible for collective bargaining rights. While UCOP has offered to recognize the first two job categories, it persists nevertheless in ignoring the court's unambiguous decision concerning the contested category of Teaching Associates.

Teaching Assistants received their own PERB ruling in 1996, in which the court decided that Teaching Assistants at UCLA were eligible for unionization, according to HEERA. That ruling was upheld on appeal last December, and UCOP has only recently announced its intention to cease its strategy of ignoring unfavorable court decisions - a policy initiated in the wake of the 1995 decision affecting UCSD Teaching Associates. Currently, the UCOP has promised to abide by the results of a PERB-mandated union election at UCLA, and to negotiate in good faith with the union which has been elected by a majority of eligible voters. Certainly, however, the University's own historical disregard for PERB rulings (as well as those of State Appellate Courts) undermines the sincerity of the statement made by Dr. Frederic Wan (Dean of Graduate Studies at UCI), who publicly expressed his concern that the graduate employee's strike "would pre-empt the important and fair process prescribed by HEERA"¹. Making the University's interpretation of HEERA still less compelling is the recently-introduced voice of Congressman Howard Berman, who co-authored that very law when he was a member of the state legislature in the 1970s. Joining with other legislators to compel UC to negotiate with the unions during the strike, Berman clarified his own document, stating that the University's claim that the Act precludes ASE unions was: "just plain wrong... . To suggest that further litigation or legislative amendments are necessary ignores [the] intent in drafting the student employee provisions of HEERA"².

Fifteen years, however, was insufficient for the University of California; despite the courts' clear message that graduate student employees are eligible for unionization, UC filed for an extraordinary legal appeal of the UCLA decision (one which was denied by PERB, motivating the recent UCLA election). Furthermore, UC's own offer to the Student Employee unions following the strike included a specific provision for yet another "expedited legal review" of the legal status of ASE unions.

The Myth(s) of the Graduate Employee

If this issue of *Workplace* deals specifically with the narratives of graduate student activists, it is worth remembering that the University of California's own justification for the continued withholding of union recognition (not to mention the limited editorial support for the UC strike in state newspapers) is heavily informed by their own essentialist narrative of the graduate student employee. The narrative maintained by the University is, quite simply, that of the apprentice: It is a picture of graduate students learning the classroom skills which will be applied when we graduate and accept a professorial position. It is an image of the graduate student learning how to teach at the hands of her or his own mentor, and obtaining skills which are necessary to the student's own education.

It is, of course, an image of academia in a bygone age, and the contradictions upon which it is based quickly become clear: The notion of eventual secure employment at a respectable wage is the narrative's justification for the financial sacrifices which attend graduate employment, yet the University's very reliance upon our employment directly decreases the number of professors needed in any given department. Similarly, the belief that teaching-skills are necessary for our "training" assumes that the role of graduate programs is to train professors--a position that would seem utterly inconsistent with the recent emphasis placed upon the role of "alternative careers" for graduate students, as a means of absolving academia of responsibility for its own overreliance upon workplace inequities.

The contradictions of the apprenticeship model accumulate: The notion that teaching is a necessary part of our study fails to account for its role in extending the length of time it takes to complete our studies, and the image of the benign mentor hides the less comforting fact that very few of us are, at any given time, being "trained" by our advisors, or teaching material that is in any way related to our current research, or our professional aspirations. Lastly (for the sake of brevity), if the University wishes to maintain that Graduate Employees are "students first, employees second", the administration can only argue that students should be deprived of the rights of the latter task by arguing that unionization would *interfere* with the former; it must argue that unionization will hurt our own role as students. The University's narrative must therefore depend upon the figure of the mentor-as-employer, and the corollary insistence that ASE unionization would therefore disrupt the academic relationship between mentor and mentee.

In fact, the university's logic depends upon a conflation of the separate relationships between mentor/mentee and employer/employee. If our mentor-teachers were, in fact, our employers, they would be able to give us increased medical benefits, a lower student-to-educator ratio, or even union recognition. It is, perhaps, no surprise that administrators at UCI were particularly clear on the *difference* between a mentor and employer when it suited them to argue that the Chancellor was powerless to recognize our union, since we are employed by the UC Regents (for the entire system).

This paternalistic metaphor of a benign apprenticeship program (in which, as UC spokesperson Rick Malaspina claims, "the service [student employees] provide is really a part of their education"), rationalizes the university's continued denial of employee rights by denigrating the significance of graduate student employment, as well as the University's increased reliance upon the "service" we provide. It is this metaphor which permits the UC administration to insist, in the face of any empirical reality whatsoever, that "only faculty members teach students. The role of a graduate student is to simply help undergraduates with material that has already been taught," as the aforementioned Dean Wan, was cited as saying, in the same *Los Angeles Times* article [3](#)

When Children Teach Children...

The apprenticeship myth would not, in itself, be sufficient to justify the poor recompense that graduate students receive for their "services". After all, considering that graduate students teach at the university level--a task which obviously requires significant education and expertise, it becomes equally necessary

for the university to belittle the identity of the graduate student, in order for the university is to maintain its paternalistic stance. It is, therefore, inadequate to portray graduate students as apprentices (since the model implies professionalism); they must also be portrayed as irresponsible and reckless in their pursuit of unionization. Only if graduate students are depicted as unable to identify their own interests as students can the university continue to defend its right to deny these students any real control over the conditions of their own employment.

It is therefore inadequate for the administration to depict graduate students as apprentices--we must also be depicted as children. The contradiction of the administration's argument lies in the dual premises that the graduate student must simultaneously be considered sufficiently responsible and qualified to teach undergraduates, yet not responsible enough to be entrusted with the rights which accompany that employment. Once the step of infantilizing the graduate student is taken, the paternalistic myth of the mentor-mentee relationship reaches its fullest fruition, and the inessential nature of graduate employment becomes manifest. Such was the logic of UCI's own administration, when the Dean of Graduate Students (i.e. my personal representative) extended the metaphor of the university-as-big-happy-family to include the role of graduate student labor, by asking: "If the children want better pocket money, do the parents negotiate with them? Over the issues of whether they wash dishes and mow the lawn, should the parents bargain with them formally?" [4](#). In response, it was perhaps inevitable that the picket line at my university would feature at one sign which asked: "Can I have my allowance? I have to feed my kids."

The narrative of the graduate student-as-infant obviously rationalizes the continued denial of our rights, by arguing that the safety of our own education depends upon our powerlessness. Equally importantly, however, it also permits the university to minimize the significance of our activism, by relating it to a timeless Oedipal drama, in which children seek to wrest power from their elders. Robin Fisher, the Associate Dean of UCLA's Graduate Division, performed just such a comparison, when he reduced the strike to an intergenerational conflict, in which: "The authority resides with those folks who are older and more experienced, but the energy resides with those who are younger and who would like to have the authority. This is nothing new, it's just the modern expression of something you would have found in the Medieval university" [5](#). Not only does this argument manage to bypass UC's disregard for employee rights and court decisions, it also manages to maintain implicitly that the University is upholding the fine historical traditions of universities as teaching institutions.

By presenting the conflict as a contemporary variation on a timeless theme, the University of California (like all of academia) obscures the fact that the past twenty years have seen an extraordinary and systematic exploitation of non-tenured labor. University administrations present the fairy-tale of the mentor-mentee relationship circa 1950, while absolving themselves of responsibility for the difference in the academic job-market since that time; they present the mirage of the medieval university, while ignoring the very inequities that are the consequence of a decidedly-modern corporatization of academia. The myth of the graduate student must similarly ignore differences between students today and those of previous ages; it must efface the realities of crippling student debt, bleak employment prospects, and increased teaching responsibilities--all as a means of justifying the inequities associated with apprenticeship. The narrative must uphold the essentialized graduate student as being young, without dependents, and eligible for readily-available academic employment in the future. And, as with so many myths which are wielded in order to justify exploitation, the very forces which most vocally claim this fantasy to be real are those whose actions and choices render it increasingly false.

"But what do you *really* want?"

That's what they ask me afterwards. After I talk about the courts, about rights, about ideals, about the changing face of academia. It is asked by students who (understandably) have difficulty believing that my striking will somehow benefit their education; it is asked by university administrators who are suddenly willing to give graduate students anything possible... anything except power; it is asked by the well-

intentioned interviewer from a nearby jazz radio station, who holds his fuzzy microphone before me, as I gesture to oncoming traffic with my picket sign. I'm not sure I've ever answered it successfully. Let me try once more.

I want to be treated like an adult. An adult and a university instructor--capable of rational decision, and able to act in the best interests of the institution in which I identify my profession. I want my rights respected--regardless of whether they are necessary to oppose current exploitation, or to prevent future exploitation. I want a system of negotiation in which benefits cannot be granted or removed at the whim of an individual, without my own input. Obviously, any administrator who is sufficiently powerful to give me any benefit I want is equally empowered to take any benefit that I currently have. I would also like a structure of representation in which my own grievances with the university (such as that concerning the wildly disproportionate pay-docking for the strike) are not ultimately decided by a University administrator (the Chancellor) or employee (the Ombudsman).

In the end, what I seek from unionization is the same thing that I sought through striking: The opportunity to take direct action to influence the forces which determine my employment, both present and future; the opportunity to represent my own interests, while recognizing my interests as inextricably linked to those of others; the opportunity to see our common condition improved as a consequence of our sacrifice and effort, rather than merely as a result of benefits distributed by a benign dictator. I want a system in which an administration's capricious and arbitrary decision-making process is not valorized as being "flexible" and "informal", for, by obscuring the real locations of power, "informal" processes only serve to consolidate existing power-structures, since they are, by nature, exempt from accountability.

Aftermath(?)

Was the strike a success? It's hard to offer a final decision at this point--if only because the strike is technically in a state of suspension, but not necessarily completion. While SAGE/UAW has been officially recognized at UCLA, and union elections have been scheduled at all other campuses, no union has actually negotiated a contract with UC at this point. If the University has abandoned its strategy of stalling on the issue of recognizing ASE unions, it may yet retrench to a position of stalling over negotiations with said unions, as occurred in the early days of AGSE/UAW's brief recognition at UC Berkeley.

Ultimately, from my limited vantage, I suspect that the labor struggle against UC is not over, despite the recent UC promises to negotiate in good faith with recognized unions. This promise contradicts the last fifteen years of University policy, in which they shared power only when there was absolutely no other alternative. However paradoxically, the academic institutions which object to unionization on the grounds that it would initiate an adversarial relationship within the learning environment have simultaneously taken actions to ensure that graduate students face the maximum possible adversity, in pursuit of our rights.

The success or failure of the UC strike, however, will ultimately be determined outside of the university itself. The success of our efforts will depend upon their influence on other universities--upon the degree to which our activism may serve as an inspiration and/or a model for other graduate student employees. Similarly, if the purpose of unionization is to combat exploitation (as opposed to ensuring a bigger piece of the pie for one's tribe), then I also believe that the true success of graduate student unionization will depend upon the degree to which it makes possible the eventual unionization of adjunct faculty within the university. Ultimately, I believe that our collective efforts must be directed towards making the exploitation of student or adjunct labor less *financially* attractive than the employment of tenured or tenure-track professors. I believe that the efforts we take today to exercise our rights as graduate employees can genuinely improve university education, if we direct our efforts towards respecting the labor of all university instructors, and towards ending the current over-reliance on part-time labor.

And *that's* what I really want.

Notes

1. Wan, Frederic. "Vice Chancellor's views on graduate student unionization." *New University*. 2 November 1998: 14.
2. "Legislators Urge University of California to Recognize UAW Academic Unions." ASGE/UAW Home Page. 3 Dec. 1998. (<http://www.laborcenter.org/agseuaw/legletter120398-pr.html>).
3. Seymour, Liz. "Student Union at UCI works for Recognition." *Los Angeles Times* (Orange County Edition). 23 July 1998: B1, B14.
4. Campisi, Anne. "Graduate Students Demand to Unionize." *Christian Science Monitor* 3 Nov. 1998: B8.
5. Leatherman, Courtney. "Teaching Assistants Plan Showdown Over Unionization." *Chronicle of Higher Education*: 13 Nov. 1998: A10.

Anyone interested in more information on the unionization efforts throughout the University of California system is encouraged to begin their search at the Home Page for the [Association of Graduate Student Employees \(UAW\)](#), at UC Bekeley.

Anyone interested in learning more about the process of academic unionization is encouraged to consult the [Graduate Student Organizing Committee page](#), or the [National Association of Graduate-Professional Students](#) union page.

Jonathan Singer, University of California, Irvine